

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 21, 2005

DIVISION ONE

B174131 Mark R. Bell et al. (Certified for Publication)
 v.
 Blue Cross of California

The judgment is reversed and the cause is remanded to the trial court with directions (1) to vacate its order sustaining Blue Cross's demurrer, (2) to enter a new order overruling the demurrer and fixing the time within which Blue Cross may answer the first amended complaint, and (3) placing the case on track for trial. Dr. Bell is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Rothschild, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Suzukawa, J. (Assigned) and Joyce Hatter, Deputy Clerk.

Each of the following:

B181003 DCFS v. Stephanie S.
B178548 DCFS v. Hugo M. & Rosa P.
B177476 People v. Blackwell
B175573 Rabadi v. Rabadi
B177521 People v. Madhi
B171867 People v. Perez
B171361 People v. Turner

Argument waived, cause submitted.

DIVISION TWO (Continued)

B178927 Rodriguez
 v.
 Chow, et al.

Merits:
Argued by Ricky Poon for appellants and by Sanford Passerman for respondent. Cause submitted.

B173642 Troung
 v.
 Morgan

Merits:
Argued by Christopher Lockwood for appellant and by Adam London for respondent. Cause submitted.

B165713 California Fair Plan
 v.
 Darrow Heating Corporation, et al.

Merits:
Argued by Daniel Espinosa for appellant California Fair Plan, by Lisa Pan for appellant Darrow Heating Corporation and by Jennifer Friend for appellant Lennox Industries. Cause submitted.

B170988 Dine
 v.
 Pine Mountain Club

Merits:
Argued by Kenneth Dine appellant propria persona and by Michael Whittington for respondent. Cause submitted.

July 21, 2005 (Continued)

DIVISION TWO (Continued)

B175005 Bennett, et al.
 v.
 Regents of the University of California

Merits:
Argued by Ted Pelletier for appellants and by Louis Marlin for respondent.
Cause submitted.

B172394 Insurance Commissioner State of California
 v.
 Superior National Insurance Co., et al.

Merits:
Argued by Paul Beck for appellants Boggs, et al, by Henry Knebel for
appellant Seaman and by Mark Richelson, Deputy Attorney General for
respondent. Cause argued, submission deferred pending further briefing.

Court recessed.

Court reconvened at 1:00 PM

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Suzukuwa, J. (Assigned) and Jim
Guzman, Deputy Clerk.

Each of the following:

B177339 People v. Sampson
B176175 People v. Potts
B176070 Debay v. Ortiz
B179765 People v. Moore
B176110 People v. Giovanni G.
B176478 People v. Alves
B176410 People v. Smith
B183369 Olga C. v. LASC & DCFS

Argument waived, cause submitted.

DIVISION TWO (Continued)

B177164 People
 v.
 Cornelius M.

Merits:
Argued by Lynette Moore for appellant and by William H. Shin for
respondent. Cause submitted.

B175878 People
 v.
 Swain

Merits:
Argued by Stephen Lathrop for appellant and by Rama Maline for
respondent. Cause submitted.

B180711 In re: Z.T. et al.
 Los Angeles County, D.C.S.
 v.
 Celia T. et al.

Merits:
Argued by Harry Zimmerman and Sharon Rollo for appellants and by Amir
Pichvai for respondent. Cause submitted.

B178022 Greene
 v.
 Carnette

Merits:
Argued by Tyna Orren for appellant and by Timothy Mishler for
respondent. Cause submitted.

July 21, 2005 (Continued)

DIVISION TWO (Continued)

B173512 Renko et al.
v.
Northridge Care Center, Inc. et al.

Merits:

Argued by Carol Jimenez for appellants and by Barbara Reardon, Lisa Cooney, Sean Cowdrey and John Weber for respondents. Cause submitted.

B176630 Lockhart and
Peterson Manufacturing Co. et al.
v.
Titan International Inc. et al.

Merits:

Argued by Casey Flynn and Sherry Grguric for appellants and by Brent Basilico for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B178804 People (Not for Publication)
v.
Bryant

The judgment is modified to reverse the conviction of carjacking and, as so modified, affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections a single abstract of judgment reflecting, among other things, conviction of second degree robbery in count 3 and a middle term of three years in state prison for that offense plus one year for the principal armed enhancement and a consecutive term of life in state prison for kidnapping in the commission of carjacking in count 2.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B175123 People (Not for Publication)
v.
Hoyos, et al.

As to Hoyos, the judgment is affirmed. As to Solis, the consecutive term imposed for violation of probation in case No. KA055819 is modified to reflect a criminal street gang enhancement of 12 months, resulting in a reduction of Solis's consecutive sentence for violation of probation to one year and 8 months and a total aggregate term of 18 years and 8 months. As so modified, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B180255 People (Not for Publication)
v.
Zamora

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B181104 Los Angeles County, D.C.S. (Not for Publication)
v.
Joe G.

The order is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

July 21, 2005 (Continued)

DIVISION THREE (Continued)

B182287 LaToya B. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children and Family Services, r.p.i.)

The writ petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B179136 Los Angeles County, D.C.S. (Not for Publication)
v.
Jaime C.

The order terminating father's parental rights is affirmed.

Willhite, J.

We concur: Hastings, Acting P.J.
 Curry, J.

B178569 Hartman (Not for Publication)
v.
Dewey Pest Control, Inc.

The order directing defendant to pay plaintiff monetary sanctions in the sum of \$6,526 is affirmed. Plaintiff shall recover her costs on appeal.

Willhite, J.

We concur: Hastings, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B175526 Pasternak (Not for Publication)

v.

Escrow Agents' Fidelity Corporation

The portion of the judgment denying the issuance of a petition for peremptory writ of mandamus compelling the Commissioner of Corporations to set aside his prior decision and to issue a new decision adding postjudgment interest is reversed. The trial court is directed to grant the petition and direct the Commissioner of Corporations to order postjudgment interest be paid to appellant from date of entry of the 1999 judgment. The judgment is otherwise affirmed. Costs on appeal are awarded to appellant.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

B182000 Vinci (Not for Publication)

v.

Superior Court, Los Angeles County
(Lee, r.p.i.)

Let a writ of mandate issue compelling respondent superior court to set aside its order denying the motion to expunge lis pendens, and enter a different order granting the motion. The issue of Vinci's entitlement to recover reasonable attorney fees incurred in bringing the motion to expunge lis pendens is more properly addressed to the trial court. (Code Civ. Proc., § 405.38.) Petitioner Vinci is awarded costs pursuant to California Rules of Court, rule 56(l).

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

July 21, 2005 (Continued)

DIVISION FOUR (Continued)

[illegible]

The trial court's order denying the Glens' special motion to strike under section 425.16 as to Levkoff's cause of action for malicious prosecution is reversed. The order denying costs and attorney fees to the Glens under section 425.16, subdivision (c) is reversed. The matter is remanded to the trial court for the purpose of determining the fees and costs to which the Glens are entitled, and entering judgment. The Glens shall recover their costs and attorney fees on appeal.

Willhite, J.

We concur: Hastings, Acting P.J.
 Curry, J.

B172472 People
v.
Diaz

Filed order denying petition for rehearing.

DIVISION FIVE

B170367 Philip Arno
v.
Helinet Corporation et al

Filed order denying petition for rehearing.

B171255 People
v.
Marcell Roquemore

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B182692 Coty M. (Not for Publication)
v.
San Luis Obispo Superior Court
(San Luis Obispo Co. Dept. of Social Services, r.p.i.)

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B171896 People (Not for Publication)
v.
Esparza

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B178130 Toderan (Not for Publication)
v.
Wells Fargo Investments

We reverse the order denying the motion to compel arbitration. On remand, the trial court shall exercise its discretion pursuant to section 1281.2, subdivision (c). Appellants are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

July 21, 2005 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B176927 People (Not for Publication)
v.
Fierro

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B178619 People (Not for Publication)
v.
Baez

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.